

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8234 of 2005

Between:

M/s. Nayagara Technologies Limited, with its registered office at Survey Nos. 634-644, Lalgadi Malakpet (V), Shameerpet Mandal, Ranga Reddy District represented by its Managing Director,
Sri Kolli Venku Reddy

..... PETITIONER

AND

The Government of India, Directorate General of Foreign Trade
Represented by its Dy. Director General Udyog Bhavan,
New Delhi.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus declaring the action of the respondent in issuing the show cause notice bearing No. 01/36/21/000547/AM96/EPCG-II dated 11-3-2005 as illegal, arbitrary, discriminatory, unconstitutional, violative of constitutional and statutory rights of the petitioner company and of its directors and further contrary to the provisions of section 15 of Sick Industrial (Special Provisions) Companies Act, 1956.

Counsel for the Petitioner:MR.RAMESH KUMAR NAYANI

**Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY
(ASST.SOLICITOR GEN.)**

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed questioning the notice issued by the respondent dated 11.03.2005.

As can be seen from the impugned notice, it is a show cause notice issued under Section 9 of the Foreign Trade (Development and Regulation) Act, 1992 and Rule 10(1) of the rules made there under, thereby calling upon the petitioner to show cause as to why penal action should not be taken against him.

Though learned counsel for the petitioner raised various contentions questioning the notice issued by the respondent, since the same being a show cause notice, I am not inclined to express any opinion on merits. It is always open to the petitioner to raise all the objections before the respondent, in which event, the same will be considered and appropriate orders will be passed. This writ petition, filed at this stage, is premature and therefore, cannot be entertained.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to submit necessary explanation to the impugned show cause notice dated 11.03.2005 within a period of two weeks from today, in which event, the respondent will consider all the objections raised by the petitioner and pass appropriate orders in accordance with law. No costs.

13.04.2005

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To

1) The Deputy Director General, Government of India,
Directorate General of Foreign Trade
Udyog Bhavan, New Delhi.

2) 2 CD copies

3) 1 CC to MR.RAMESH KUMAR NAYANI